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Gary M. Nath
NATH & ASSOCIATES PLLC
112 South West Street
Alexandria, VA 22314-2825

EXAMINER	
EVANS, KIMBERLY L	
ART UNIT	PAPER NUMBER
3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/631,287	KLIPSTEIN, MATTHEW	
	Examiner	Art Unit	
	KIMBERLY EVANS	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *7/24/08* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. This action is in reply to the response filed on July 24, 2008.
2. Claims 1, 4, 8, 12, 13, 16, 18, 22, and 23 have been amended.
3. Claims 1-25 are currently pending and have been examined.

Claim Rejections - 35 USC § 101

4. The following is a quotation of the first paragraph of 35 U.S.C. 101:

   Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The aforementioned claims are directed toward providing information in relation to an electronic communication device via a data signal. However, under the current guidelines of 35 USC 101, computer software must be tangibly embodied on a computer readable medium, and, when executed by a computer processor, perform the steps of the software. In their broadest reasonable interpretation and in light of the specification, claims 1- 25 as recited, can be interpreted to be embodied on abstract mediums such as carrier waves and signals, and therefore not eligible for patent protection. Accordingly, these claims are not eligible for patent protection.

6. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed component is interpreted as being software per se; software does not fall within a statutory category of patentability.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

   a) Determining the scope and contents of the prior art.

   b) Ascertaining the differences between the prior art and the claims at issue.

   c) Resolving the level of ordinary skill in the pertinent art.

   d) Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1, 2, 5-11, and 18 are rejected as being unpatentable over Andersen, International Publication Number W0 2004/038564 A2, in view of Hughes, US Patent Application Publication No. US 2003/0093478A1, in further view of Petras et al, US Patent Application Publication No. US2001/0047290A1, in further view of Markowicz, US Patent No 4,842,278.

10. With respect to Claim 1,

Andersen discloses the following limitations:

- *means for resolving research solution into a set of characteristics* (see at least page 4, lines 19 -12: "…a central knowledge repository and a number of distributed knowledge repositories each of which is associated with a specific user...");

- *a database means for storing a set of criteria* (referring to Figure 4, see at least page 8, line 9: "….a data storage device 128" ….) *said criteria being measured by presence or absence of a characteristic* (see at least page 9, lines 25-27:"...the categorization of the knowledge flowing in the system...); *comparison means to determine if characteristics of a research solution meet a pre-defined set of criteria* (see at least page 10, lines 17- 19:"…The Correlation Index ("CI") which is used in the system, is a comparison means ….");

- *an interface for communication with a partner having an agreement with said consortium to compensate said consortium for use of said research solution* (see at least Figure 3, page 7 lines 20-24: "…a network including at least two users who constitute a networked community….using a software application that supports a graphical interface. ..server 160 provides the knowledge sharing service over the network…"; Figure 5 and page 9, lines 3 – 8: "system 200 also includes a central knowledge object repository (CKOR) 202 …managed through peer-to-peer technology to appear as a central body of information to the users of the system. CKOR 202 is part of the knowledge sharing application…." and at least page 9, lines 21-24: "…system 200…measuring, rewards tracking and reporting software …by the Knowledge Sharing Machine….");

- *a report register for receiving reports from said partner to receive reports defining compensatable uses of the research solution* (see at least page 9, lines 21-24: "…system 200

comprises the entirety of the system including.... measuring, rewards tracking, and reporting software components managed by the Knowledge Sharing Machine (KSM)...);

- *and a rule-based account generator for processing said report data, said rule- based account generator incorporating a rule defining share of each participant of compensation due to said consortium based on said report data, said rule- based account generator generating a result comprising an amount of compensation due to a participant in accordance with the rule* (see at least page 9, lines 21-24: "...system 200 comprises the entirety of the system....operational, administrative, measuring, rewards tracking, and reporting software components...and page 11 lines 9 – 12 "...system 200 also includes a knowledge sharing reward tracking module..." and see at least page 14, lines 8-12: "...KSM tracks the number of requests for and subsequent delivery .....through the knowledge brokering process or through the automated publishing process.....the tracked information will be used within a compensation system to reward members of the system.....") System 200 including the knowledge sharing reward tracking module described in Andersen functions as the rule-based account generator.

Andersen teaches all of the limitations described above. Anderson does not disclose the following limitation, but Hughes however, as shown discloses:

- *a membership register for identifying consortium members*; (see Hughes page 3, paragraph 31:"...a database of individuals, registered users, and/or organizations...".)

It would have been obvious to one skilled in the art at the time of the invention to combine the system 200 of Andersen with the database of registered users and/or organization of Hughes because it would enable users, organizations, participants, and the like to understand the expertise of the registered users and/or organizations and ascertain the areas of collaboration they may find of interest.

The combination of Andersen and Hughes does not disclose the following limitation, but Petras however as shown discloses,

- *a research database to store entries by members and time-stamp means for identifying submission of research* (see at least Figure 1B, ….Database server and page 10, paragraph 155: "……comprises a database for storage of data and Figure 102 "Date/Time Stamp" and page 33, paragraph 462: "…shows the date and time each survey…")

It would have been obvious to one skilled in the art at the time of the invention to combine the data storage device of with the time-stamp means of Petras because this would be a more efficient process to track the research submission entries of the members.

The combination of Andersen, Hughes, and Petras does not disclose the following limitation, but Markowicz however as shown discloses,

- *said rule establishing a first level of compensation for one designated member and a second level of compensation for each member other than the designated member, and a central computer coordinating communications in said system.*

Markowicz discloses a lottery system of prize levels for a first lotto drawing wherein the prize levels include a jackpot prize level "big winners" and a subordinate prize level "numerous winners" col. 5, lines 5-6. The patent to Markowicz discloses a prize pool for a lotto game played among a plurality of member lotteries…. Markowicz comprises a system of prize levels including a jackpot prize, col. 2, lines 66-68, and a subordinate prize level, col. 3, lines 1-2. A first member lottery is a state lottery, and a second member lottery is a national lottery, col. 4, line 26 to col. 5, line 63. Fig. 3 shows a system in which the network lottery computer (e.g. national lottery computer) communicates with the state computers 22. Thus, all member lotteries are eligible for the national lottery jackpot prize, col. 5, lines 38-63. The first member lottery (state lottery) awards subordinate prizes on a pari-mutuel basis, col. 4, lines 21-23. The second member lottery (national lottery) awards subordinate prizes on a pari-mutuel basis, see table of Fig. 5, and col. 5, lines 29-32.

It is old and well known in the art of gaming that many different types of lottery games have been sold over the course of history in various jurisdictions to include but not limited to PowerBall™ (now Mega Millions™), Keno, and Lotto. The jackpot prize is designated for the "winner" while the "non-winner" prize(s) are based upon a predetermined percentage and/or rule. Pick 3 or fixed monetary value awards are also well known in state lotteries. The "traditional" game has been sold for several hundred years. It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the Knowledge sharing reward tracking module of Andersen with the lottery system prize pool of Markowicz because this would provide a differentiation of the rewards thereby increasing competition and additional interest.

11. With respect to Claim 2,

Andersen, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. Furthermore, Petras, also as shown, discloses:

- *interface comprises means to receive transmissions indicative of electronic funds transfers to said consortium from said partner* (see at least Figure 102 and corresponding text on page 33, paragraph 462: "...the account history page shows.... the charges for each and a description of those charges...it also shows...the credit card ....reference and authorization numbers....")
- *wherein said rule-based generator comprises means for generating instructions to instruct a transfer to a participant in accordance with said result* (see at least Figure 9 and corresponding text on page 13, paragraph 182: "...rewards management automation software that comprises activities to:....set amount of the pool $ available for distribution to members and correspondents...set award pool percentage or count of participants to receive awards.....").

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing reward tracking system of Anderson with the tracking system and method that distributes compensation to the participants electronically of Petras because this would provide an efficient means for distribution of compensation rewards to the appropriate participants.

12. With respect to Claim 5,

Andersen, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. Furthermore, Hughes, also as shown, discloses,

- *a telecommunications routine for providing an on-line meeting of said participants* (see at least page 3, paragraph 30: "….the general forum 30 may include a wide variety of public communication and collaboration techniques...these may include voice messaging, text messaging, both real time and "email" varieties, file sharing, multi-user audio and/or video conferencing…..")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the central knowledge object repository (CKOR) of Andersen with the general forum of Hughes because providing multiple forums for communication among participants would be a more effective and efficient process to increase and encourage group participation from varying locations.

13. With respect to Claim 6,

Andersen, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. Furthermore, Hughes, also as shown, discloses,

- *a privilege register for providing access to selected entries in said research database to selected populations* (see at least page 4, paragraph 36: "…the S/C 130 is not generally accessible to all users of the system 140….the S/C forum may be more restricted.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the privilege register of Andersen with the S/C of Hughes because it would limit access to specific research databases amongst participants.

14. With respect to Claim 7,

Andersen, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. Furthermore, Hughes, also as shown, discloses,

- *selected populations comprise consortium members, the public, consortium negotiating partners and consortium partners* (see at least FIGURE and paragraph 19: system sponsor 100 maybe a single user or may refer collectively to a large group of user….all other users will collectively be referred to as third-party users…anyone could be a third party user…" and paragraph 20: "…conceptually all members of the public may be part of this group that interacts with the system 140…third party users of system 140 may consist of….a group of companies…..).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine system 200 of Andersen with Hughes because the system sponsor would provide a broader range of participants, ideas and proposed solutions while providing an opportunity for categorization of proposed research solutions.

15. With respect to Claims 8 and 18,

Anderson, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. Markowicz also as shown discloses:

- *said rule comprises R=(100%-(N-1%)) x I where Rw is a winner's share, N is the total number of members in the consortium, and I is the amount of income accruing from the research solution and wherein R=I/(N-1), where Rp is a participant's share and wherein N does not exceed 51.*

The patent to Markowicz discloses a network of individual lottery systems having prize levels. Markowicz discloses two prize levels, a jackpot prize level, national lottery, col. 4, lines 26 to col. 5, line 63, and subordinate prize levels, state lotteries, col. 4, lines 1-25, "State A", "State B", "State C", etc., see Figs. 1 and 3. Markowicz discloses a lottery system of prize levels for a first lotto drawing wherein the prize levels include a jackpot prize level "big winners" and a subordinate prize level "numerous winners" col. 5, lines 5-6. The patent to Markowicz discloses a prize pool for a lotto game played among a plurality of member lotteries.... Markowicz comprises a system of prize levels including a jackpot prize, col. 2, lines 66-68, and a subordinate prize level, col. 3, lines 1-2. A first member lottery is a state lottery, and a second member lottery is a national lottery, col. 4, line 26 to col. 5, line 63. Fig. 3 shows a system in which the network lottery computer (e.g. national lottery computer) communicates with the state computers 22. Thus, all member lotteries are eligible for the national lottery jackpot prize, col. 5, lines 38-63. The first member lottery (state lottery) awards subordinate prizes on a pari-mutuel basis, col. 4, lines 21-23. The second member lottery (national lottery) awards subordinate prizes on a pari-mutuel basis, see table of Fig. 5, and col. 5, lines 29-32.

It is old and well known in the art of gaming that many different types of lottery games have been sold over the course of history in various jurisdictions to include but not limited to PowerBall™ (now Mega Millions™), Keno, and Lotto. The jackpot prize is designated for the "winner" while the "non-winner" prize(s) are based upon a predetermined percentage and/or rule. Pick 3 or fixed monetary value awards are also well known in state lotteries. The "traditional" game has been sold for several hundred years. It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the Knowledge sharing reward tracking module of Andersen with the lottery system prize pool of Markowicz because this would provide a differentiation of the rewards thereby increasing competition and additional interest.

16. With respect to Claims 9 -11,

Andersen, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. Furthermore, Hughes, also as shown, discloses,

17. Claims 9-11 refer to *a system and/or method for adding and removing members,* Hughes teaches a membership mechanism which allows system sponsors to determine rules related to membership to the team(s). (See at least page 4, paragraph 34: "…a mechanism for soliciting membership in an Ad-Hoc team and access to a secure "solution/collaboration team forum … a membership mechanism which allows users to utilize the solution forum without outside interference…" and paragraph 37:"…the system sponsor my set up expectations or "rules of engagement" relating to the output of the solution forums…")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing machine of Andersen with the membership mechanism of Hughes because it would provide freedom for members in setting goals, identifying projects while preventing monopolization of winning solutions, and provide opportunities to maintain and solicit specific subject knowledge experts within the group(s) when needed.

18. Claims 3, and 19-25 are rejected as being unpatentable over Andersen in view of Hughes, in view of Petras, in further view of Markowicz, in further view of Reisman, Richard, US Patent Application Publication No US2004/0186738A1 issued , September 23, 2004

19. With respect to Claims 3 and 21,

Anderson, Hughes, Petras, and Markowicz disclose the limitations as shown in the rejections above. The combination of Andersen, Hughes, Petras, and Markowicz does not disclose the following limitations, but Reisman, however, as shown, discloses:

- *a side deal register to store side deal arrangements between a participant and at least one other participant, said side deal register being coupled to said rule-based register to modify said rule in accordance with a side deal* (see at least Reisman, page 6 paragraph 115: Referring to Figure 4: "venture/investor deals" and Figure , "....Participants may interact with an inventor/contributor allocation process....to determine contributor allocation shares 512. and page 7 ....value exchange 530..may determine what value is due from application users....what portion can be expected from participating users...what value compensation may be due to contributors.....and paragraph 267: Exemplary models include:: "revenue share (or flat or tiered fees) in license/assignment deals between members...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing system of Anderson with the value exchange system of Reisman to calculate compensation due to participants when making side deals because this would provide an efficient reward process for third party deals.

20. With respect to Claim 19,

Andersen, Hughes, Petras and Markowicz disclose the limitations as shown in the above rejections. The combination of Andersen, Hughes, Petras and Markowicz does not disclose the following limitations, but Reisman however as shown discloses:

- *providing a virtual private network* (see at least page 3, paragraph 41: "...based on physical meetings, and a "virtual" one which may be used synonymously with "electronic"...and page 4, paragraph 44, definition of "Internet": "...may include the current Internet, including all devices and tributary networks which may connect to the Internet....").

It would have been obvious to one of ordinary skill in the art to combine system 200 of Andersen with Reisman's virtual private network because it would restrict proprietary information from the

public and allow privacy, convenience and ad-hoc meetings for selected participants and/or groups.

21. With respect to Claim 20,

Anderson, Hughes, Petras, Markowicz and Reisman disclose the limitations as shown in the rejections above. Furthermore Petras also as shown discloses:

- *distributing income to said members by means of electronic funds transfers; and wherein said network comprises a rule-based generator programmed in accordance with said rule to generate instructions to instruct a transfer to a member* (see at least Figure 102 and corresponding paragraph 462: "…it also shows the date and time each survey was created, the credit card each to which each survey was charged….reference and authorization numbers for each). …..").

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing reward tracking system of Andersen with the rewards management automation software of Petras because this would provide an efficient method for tracking and disbursement of compensation rewards.

22. With respect to Claim 22,

Anderson, Hughes, Petras, Markowicz and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *conducting an on-line meeting of said members on said network* (see at least page 3, paragraph 30: "….the general forum 30 may include a wide variety of public communication and collaboration techniques..these may include voice messaging, text messaging, both real time and "email" varieties, file sharing, multi-user audio and/or video conferencing…..")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the central knowledge object repository (CKOR) of Andersen with the general forum of Hughes because providing multiple forums for communication among participants would be a

more effective and efficient process to increase and encourage group participation from varying locations.

23. With respect to Claim 23,

Anderson, Hughes, Petras, Markowicz and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *providing access to selected entries in said network to selected populations* (see at least page 4, paragraph 36: "...the S/C 130 is not generally accessible to all users of the system 140....the S/C forum may be more restricted.")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the privilege register of Andersen with the S/C of Hughes because it would limit access to specific research databases amongst participants.

24. With respect to Claim 24,

Anderson, Hughes, Petras, Markowicz and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *selected populations comprise consortium members, the public, consortium negotiating partners and consortium partners* (see at least FIGURE and paragraph 19: system sponsor 100 maybe a single user or may refer collectively to a large group of user....all other users will collectively be referred to as third-party users...anyone could be a third party user..." and paragraph 20: "...conceptually all members of the public may be part of this group that interacts with the system 140...third party users of system 140 may consist of....a group of companies.....).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine system 200 of Andersen with Hughes because the system sponsor would provide a broader range of participants, ideas and proposed solutions while providing an opportunity for categorization of proposed research solutions

25. With respect to Claim 25,

Anderson, Hughes, Petras, Markowicz and Reisman disclose the limitations as shown in the rejections above. Furthermore, Hughes also as shown discloses:

- *further adding or dropping a member in response to a vote of not less than N-1 where N is the total number of current members* (see at least page 4, paragraph 34: "…a mechanism for soliciting membership in an Ad-Hoc team and access to a secure "solution/collaboration team forum … a membership mechanism which allows users to utilize the solution forum without outside interference…" and paragraph 37:"…the system sponsor my set up expectations or "rules of engagement" relating to the output of the solution forums…")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing machine of Andersen with the membership mechanism and system sponsor of Hughes because it would provide freedom for members in setting goals, expectations and identifying rules relevant to membership.

26. Claim 4 is rejected as being upatentable over Andersen in view of Hughes, in view of Petras, in further view of Markowicz in further view of www.micronomics.com.

27. With respect to Claim 4,

Andersen, Hughes, Petras, and Markowicz disclose the limitations as shown in the above rejections. The combination of Andersen, Hughes, Petras, and Markowicz does not disclose the following limitations, but Micornomics.com however, as shown discloses:

- *a lead institution terminal for operation by a lead institution, said CPU providing a privilege to said lead institution to characterize research submissions according to characteristics* (see at least www.micronomics.com: "Introducing Micronomics: Micronomics is a professional service firm: We undertake economic research to find answers to complex questions faced by our clients.." …we provide support necessary to extract, analyze, and organize information

residing on multiple systems….and …our staff is also practiced in the economic and financial valuation techniques...").

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the Knowledge Sharing Machine of Andersen with Micornomics' professional research services because this process would provide an effective means for analyzing, organizing and tracking research submissions.

28. Claims 12, 14, and 15 are rejected as being unpatentable over Andersen in view of Markowicz.

29. With respect to Claim 12,

Andersen as shown, discloses the following limitations:

- *establishing a consortium consisting of a set of members, providing a network for communication among all members, authorizing access by members of the consortium to the network and protecting the network from non-members, communicating by at least a member to provide data to said network, exchanging data between at least one member and another member* (see at least Abstract: system and method for promoting information or knowledge sharing among users registered to a computer network by allowing an information knowledge owner to locate or directly access private information, to publish information for direct access by knowledge requestors,….or to broker information….allow an organization to develop….);
- *tracking when and by whom each provision of data is contributed* (see at least page 14 lines 8-10: referring to the Knowledge Sharing Machine (KSM): "…the KSM tracks the number of requests for and subsequent delivery of listed or published information from the Knowledge Owner (KO) to the Knowledge Requestor (KR)…") ,
- *identifying a solution in data in said network* (see at least page 10, lines 11- 16: definition of "Published Knowledge": "…information that has been authorized by the KO for direct access through the KSM after either passing through the knowledge brokerage process…and lines 17-22: referring to the Correlation Index (CI) ..is a comparison means to indicate the degree

of correlation between a request and a knowledge object…"in the case of published information 302, the correlation can be as high as 100%...);the Comparison Index described in Anderson identifies a solution by indicating the degree of correlation.

- *earning income based on said solution; and allocating said income among said members in accordance with a predetermined rule* (see at least page 14, lines 7-12: "…knowledge sharing reward tracking module ….the tracked information will be used within a compensation system to reward members of the system…..")

Andersen discloses all of the above limitations, Andersen does not disclose the following limitations, but Markowicz however as shown discloses,

- *said predetermined rule establishing a first level of compensation for one designated member and a second level of compensation for each member other than the designated member.*

Markowicz discloses a lottery system of prize levels for a first lotto drawing wherein the prize levels include a jackpot prize level "big winners" and a subordinate prize level "numerous winners" col. 5, lines 5-6. The patent to Markowicz discloses a prize pool for a lotto game played among a plurality of member lotteries…. Markowicz comprises a system of prize levels including a jackpot prize, col. 2, lines 66-68, and a subordinate prize level, col. 3, lines 1-2. A first member lottery is a state lottery, and a second member lottery is a national lottery, col. 4, line 26 to col. 5, line 63. Fig. 3 shows a system in which the network lottery computer (e.g. national lottery computer) communicates with the state computers 22. Thus, all member lotteries are eligible for the national lottery jackpot prize, col. 5, lines 38-63. The first member lottery (state lottery) awards subordinate prizes on a pari-mutuel basis, col. 4, lines 21-23. The second member lottery (national lottery) awards subordinate prizes on a pari-mutuel basis, see table of Fig. 5, and col. 5, lines 29-32.

It is old and well known in the art of gaming that many different types of lottery games have been sold over the course of history in various jurisdictions to include but not limited to PowerBall™

(now Mega Millions™), Keno, and Lotto. The jackpot prize is designated for the "winner" while the "non-winner" prize(s) are based upon a predetermined percentage and/or rule. Pick 3 or fixed monetary value awards are also well known in state lotteries. The "traditional" game has been sold for several hundred years. It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the Knowledge sharing reward tracking module of Andersen with the lottery system prize pool of Markowicz because this would provide a differentiation of the rewards thereby increasing competition and additional interest.

30. With respect to Claim 14,

Andersen and Markowicz disclose all of the above limitations, Markowicz further discloses,

- *calculating an amount due to a member utilizing the predetermined rule* (Markowicz comprises a system of prize levels including a jackpot prize, col. 2, lines 66-68, and a subordinate prize level, col. 3, lines 1-2. A first member lottery is a state lottery, and a second member lottery is a national lottery, col. 4, line 26 to col. 5, line 63. Fig. 3 shows a system in which the network lottery computer (e.g. national lottery computer) communicates with the state computers 22. ....)

It would have been obvious to one ordinary skilled in the art at the time of the invention to combine the Knowledge sharing reward tracking module of Andersen with the lottery system prize pool of Markowicz because this would provide an efficient means for rewarding members based upon a predetermined percentage, ratio and/or rule.

31. With respect to Claim 15,

Andersen and Markowicz disclose all of the above limitations, Andersen further discloses,

- *a medical research consortium and wherein said data inputs are proprietary to the consortium* (see at least page 16, lines 17 and 18: "Primary holders of the information can specify access rights and privileges granted to other users.." and page 5, lines 9-22:"...these include but are

not limited to collaboration in the following industries and organizational structures….scientific research…medical…)

32. Claim 13 is rejected as being unpatentable over Andersen, in view of Markowicz, in further view of Hughes, Larry US Patent Application Publication No. US 2003/0093478A1.

33. With respect to Claim 13,

Andersen, and Markowicz disclose all of the limitations as shown in the rejections above. Andersen and Markowicz does not disclose the following limitations, but Hughes however as shown discloses:

- *providing a membership rule for adding new members and eliminating members and selectively adding or elimination members in accordance with the membership rule* (see at least page 4, paragraph 34: "…a mechanism for soliciting membership in an Ad-Hoc team and access to a secure "solution/collaboration team forum … a membership mechanism which allows users to utilize the solution forum without outside interference…" and paragraph 37:"…the system sponsor my set up expectations or "rules of engagement" relating to the output of the solution forums…")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the knowledge sharing machine of Andersen with the membership mechanism of Hughes because it would provide freedom for members in setting goals, identifying projects while preventing monopolization of winning solutions, and provide opportunities to maintain and solicit specific subject knowledge experts within the group(s) when needed.

34. Claims 16 and 17 are rejected as being unpatentable over Andersen in view of Markowicz, in view of Reisman, Richard US Patent Application Publication No US2004/0186738A1.

35. With respect to Claim 16,

Anderson and Markowicz disclose the limitations as shown in the rejection above. The combination of Andersen and Markowicz does not disclose the following limitations, but Reisman however, as shown discloses:

- *one member is characterized as a winner based upon correspondence of input of the member with a solution and wherein the winner is allocated a winner's share in accordance with the rule* (see at least page 4, paragraph 60: Participants may each have a variety of roles, including but not limited to……and page 23, paragraph 315: "…award structures that create and recognize winners in several dimensions….") *and wherein each participant is allocated a participant's share in accordance with the rule* (see at least Figure 4 and page 6 paragraph 114:"…referring to the reward administration system, specifically the value process:"…to seek to compensate contributors ….to assess contributions, the relative input contribution share attributable to participants, whether inventors or otherwise…").

It would have been obvious to one of ordinary skill in the art to combine the knowledge sharing reward system of Andersen with Reisman's reward adminstration system, specifically the value process, because this would be a more efficient reward process in the assessment and allocation of compensation to members based on their contribution.

36. With respect to Claim 17,

Anderson and Markowicz disclose the limitations as shown in the rejection above. The combination of Andersen and Markowicz does not disclose the following limitations, but Reisman however, as shown discloses:

- *members other than the winner are characterized as participants* (see at least page 4, paragraph 60: Participants may each have a variety of roles, including but not limited to……and page 23, paragraph 315: "…award structures that create and recognize winners in several dimensions…." and page 4, paragraph 74:"…a participant may participate in multiple roles….") *and wherein each participant is allocated a participant's share in accordance with*

the rule (see at least Figure 4 and page 6 paragraph 114:"…referring to the reward administration system, specifically the value process:"…to seek to compensate contributors ….to assess contributions, the relative input contribution share attributable to participants, whether inventors or otherwise…").

It would have been obvious to one of ordinary skill in the art to combine the knowledge sharing reward system of Andersen with Reisman's reward administration system, specifically the value process because it would provide an efficient reward process based on participant contribution.

Response to Arguments

37. Applicant's arguments received on July 02, 2008 have been fully considered but they are moot in view of the new ground(s) of rejection.

Conclusion

38. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kimberly L. Evans** whose telephone number is **571.270.3929.** The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **John Weiss** can be reached at **571.272.6812.**

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair <http://pair-direct.uspto.gov >. Should you have

questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to: **Commissioner of Patents and Trademarks**, P.O. Box 1450, Alexandria, VA 22313-1450 or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**: Randolph Building 401 Dulany Street, Alexandria, VA 22314.

/KIMBERLY EVANS/Examiner, Art Unit 3629

January 5, 2009

/John G. Weiss/

Supervisory Patent Examiner, Art Unit 3629